



DEPARTMENT OF MENTAL HEALTH
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JONATHAN E. SHERIN, M.D., Ph.D.
Director

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Chief Medical Officer
Clinical Operations

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Chief Deputy Director
Administrative Operations

REVISED

January 07 21, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

20 January 21, 2020

CELIA ZAVALA
EXECUTIVE OFFICER

**AUTHORITY TO EXECUTE NEW AND AMEND EXISTING LEGAL ENTITY
CONTRACTS FOR THE PROVISION OF FOSTER FAMILY AGENCY PROGRAMS
INTENSIVE SERVICES FOSTER CARE AND THERAPEUTIC FOSTER CARE
SERVICES
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Request approval to execute new and amend existing Department of Mental Health Legal Entity Contracts for the provision of Foster Family Agency Programs Intensive Services Foster Care and Therapeutic Foster Care Services.

IT IS RECOMMENDED THAT THE BOARD:

1. ~~Approve and authorize~~ Delegate authority to the Director of the Department of Mental Health (Director), or his designee, to prepare, sign, and execute an amendment/amendments to 17 existing Department of Mental Health (DMH) Legal Entity (LE) Contracts listed in Attachment I to add Foster Family Agency (FFA) Programs Intensive Services Foster Care (ISFC) and/or Therapeutic Foster Care (TFC). The amendment and execute new LE Contracts for the provision of aforementioned ISFC and TFC program services. These actions will be effective upon Board approval with a total aggregate cost of \$1,763,126 2,183,126 for Fiscal Year (FY) 2019 -20 and \$3,255,000 4,515,000 for FY 2020-21, fully funded by Federal Financial Participation (FFP) Medi-Cal, 2011 Realignment-Early &

Periodic Screening, Diagnosis and Treatment (EPSDT) and 2011 Realignment-Mental Health (MH) revenues.

~~2. Approve and authorize the Director, or his designee, to prepare, sign, and execute new Legal Entity (LE) Contracts with the seven contractors listed in Attachment I for the provision of FFA Programs ISFC and TFC. The Contracts will be effective upon Board approval with a total aggregate cost of \$420,000 and \$1,260,000, fully funded by FFP Medi-Cal, 2011 Realignment-EPSDT and 2011 Realignment-MH revenues for FYs 2019-20 and 2020-21, respectively.~~

- ~~2.~~ 3. Delegate authority to the Director, or his designee, to prepare, sign, and execute future amendments, as necessary, to add funding for FFA programs to other existing LE Contracts, provided that: 1) the Contractors have an executed contract with Department of Children and Family Services (DCFS) and Department of Probation (Probation) prior to execution of such amendment; 2) sufficient funds are available; 3) any such increase will not exceed 25 percent of the Board approved Maximum Contract Amount (MCA); and 4) the amendments are subject to the prior review and approval as to form by County Counsel, with written notification to the Board and Chief Executive Officer (CEO).
- ~~3.~~ 4. Delegate authority to the Director, or his designee, to prepare, sign, and execute future LE Contracts with new FFA Contractors provided that: 1) new LE Contractor has an executed contract with DCFS and Probation prior to execution of such contract; 2) sufficient funds are available; and 3) any new LE Contract is subject to the prior review and approval as to form by County Counsel, with written notification to the Board and CEO.
- ~~4.~~ 5. Delegate authority to the Director, or his designee, to prepare, sign, and execute future amendments to the Contracts in Recommendations 1, 2, 3, and 43 to revise the annual MCAs; add, delete, modify or replace Service Exhibits and/or Statements of Work; and/or, reflect federal, State, and County regulatory and/or policy changes provided that: 1) any increase will not exceed 25 percent of the Board adopted MCA; 2) sufficient funds are available; and 3) the amendments are subject to the prior review and approval as to form by County Counsel, with a written notification to the Board and CEO.
- ~~6.~~ 5. Delegate authority to the Director, or his designee, to terminate any Contract, described in Recommendations 1, 2, 3, and 43 in accordance with the Contract's termination provisions, including Termination for Convenience. The Director will notify the Board and CEO, in writing, of such termination action.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

FFAs are providers of specialty mental health services, which includes ISFC and TFC services. Both ISFC and TFC services are short-term, intensive, highly coordinated specialty mental health services, intended to prevent the reliance on congregate care to children/youth under the custody of the DCFS and the Probation.

Board approval of Recommendation 1 will allow DMH to amend existing and execute new LE Contracts for the provision of FFA ISFC and if applicable TFC program services for FYs 2019-20 and 2020-21. These LE Contractors have been selected through a DCFS and Probation conducted solicitation process and have executed contracts with both Departments.

~~Board approval of Recommendation 2 will allow DMH to execute new LE Contracts to provide FFA ISFC program services and if applicable TFC program services for FYs 2019-20 and 2020-21. These new Contractors have been selected through the same DCFS and Probation solicitation process and have executed contracts with both Departments.~~

Board approval of Recommendations 32 and 43 will enable DMH to amend other existing LE Contracts to add FFA ISFC program services and if applicable TFC services, and enable DMH to execute new Contracts with Contractors who through the solicitation process with DCFS and Probation will have executed a contract with both Departments.

Board approval of Recommendation 4 will enable DMH to amend all FFA program provider contracts as needed.

Board approval of Recommendation 5 will enable DMH to ~~amend all FFA program provider contracts as needed.~~ Board approval of Recommendation 6 will enable DMH to terminate the Contracts in accordance with the Contract's termination provisions, including termination for convenience, in a timely manner, as necessary.

Implementation of Strategic Plan Goals

These recommendations support the County's Strategic Plan Goal I, "Make Investments That Transform Lives" and Strategic Plan Goal II, "Foster Vibrant and Resilient Communities."

FISCAL IMPACT/FINANCING

For FY 2019-20 the aggregate funding for Recommendations 1 and 2 is \$2,183,126, fully funded by FFP Medi-Cal, 2011 Realignment-EPSDT and 2011 Realignment-MH revenues.

Funding for future years will be requested through DMH's annual budget request process.

There is no impact on net County cost for this action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Assembly Bill (AB) No. 403, referred to as Continuum of Care Reform (CCR), was passed on October 2015, and created the framework for a comprehensive redesign of the services and supports provided to probation and child welfare foster care youth, including the medically necessary specialty mental health services to which these youth are entitled to under EPSDT Medi-Cal. The ISFC program provides intensive, individualized, trauma informed, culturally relevant, age and developmentally appropriate mental health services in conjunction with the intensive supports and services, including specialized training of Resource Parents. The TFC services are provided by highly skilled Resource Parents that are recruited, trained and supported by the FFA to deliver additional level of service to youth with higher needs. The TFC additional funds would be paid to the FFA who would then pay the Resource Parent.

The services are to be provided to youth in an FFA who are at risk of placement in a Short-Term Residential Therapeutic Program (STRTP) or group home with the goal of reducing long stays in STRTPs or group homes by providing an intensive level of support to the youth and caregivers, thereby enabling youth to live in a community setting that supports normalcy in development. These services will also be used to support children and youth stepping down from STRTP placements to living with Resource Parents in the community.

FFA ISFC service providers may elect to provide TFC services to eligible children/youth/Non-Minor Dependents who meet medical necessity for TFC if the contractors meet the applicable requirements as set forth in the following: (1) Medi-Cal Manual for Intensive Care Coordination, (2) Intensive Home Base Services, and TFC and (3) All County Information Notice 17-009 Service Delivery Through the Therapeutic Foster Care Service Model and (4) TFC Service Model Parent Qualifications documents. ISFC program guidelines also stipulate that FFAs that have contracted with DCFS for the provision of ISFC program services must contract with DMH for specialty mental health services.

The delegated authority to execute new and amend existing LE contracts will allow DMH to remain in compliance with AB 403, to ensure continuity of care, and the expeditious expansion of FFA services throughout the County as DCFS and Probation execute new contracts based on the solicitation outcomes.

As mandated by your Board, the performance of all contractors is evaluated by DMH on an annual basis to ensure the contractors' compliance with all contract terms and performance standards.

In accordance with Board Policy Manual Section 5.120, Authority to Approve Increases to Board-Approved Contract Amounts requirements, DMH notified your Board on November 6, 2019 (Attachment III), identifying and justifying the need for requesting a percentage increase exceeding ten percent.

~~Attachment I lists the Contractors currently approved as FFAs and who will receive ISFC and TFC funding.~~

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Board approval of the proposed actions will allow DMH to remain in compliance with AB 403 by allowing DMH to implement programs with existing FFA program providers and to execute LE Contracts with new providers who have contracted with DCFS and Probation to provide crucial ISFC and TFC intensive specialty mental health services throughout the County.

Respectfully submitted,



JONATHAN E. SHERIN, M.D., Ph.D.
Director

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Enclosures
Attachments (1)

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel
Chairperson, Mental Health Commission



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Administrative Operations

November 6, 2019

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Kathryn Barger

FROM: Jonathan E. Sherin, M.D., Ph.D.
Director

SUBJECT: **NOTICE OF INTENT TO REQUEST DELEGATED AUTHORITY FOR A
PERCENTAGE INCREASE EXCEEDING TEN PERCENT OF THE
MAXIMUM CONTRACT AMOUNT FOR LEGAL ENTITY CONTRACTS**

In accordance with Los Angeles County Board of Supervisors' (Board) Policy No. 5.120, the Department of Mental Health (DMH) is notifying your Board of our department's intent to request an exception to the delegated authority (DA) for a percentage increase exceeding ten percent of the maximum contract amount (MCA) for the implementation of the Foster Family Agency (FFA) program. More specifically, DMH will request delegated authority for a 25 percent increase of the total contract amount for Fiscal Years (FY) 2019-20 and 2020-21.

JUSTIFICATION

Passed by the State in October 2015, Assembly Bill (AB) 403, Foster Care: Continuum of Care Reform (CCR) created the framework for a comprehensive redesign of the services and supports provided to probation and child welfare foster care youth.

Included in the CCR is the medically necessary specialty mental health services (SMHS) to which qualified children placed under the custody of Department of Children and Family Services (DCFS) and the Department of Probation (Probation) are entitled under Early Periodic Screening, Diagnostic and Treatment (EPSDT). FFAs are providers of SMHS, who provide Intensive Services Foster Care (ISFC) and Therapeutic Foster Care (TFC) services to children/youth under the custody of the DCFS and the Probation. Both ISFC and TFC services are short-term, intensive, highly coordinated SMHS intended to prevent

Each Supervisor
November 6, 2019
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the reliance on congregate care. These services will be provided to youth at risk of placement in a Short-Term Residential Therapeutic Program (STRTP) or group homes with the goal of reducing long stays in STRTPs or group homes by providing an intensive level of support to the youth and caregivers, thereby enabling youth to live in a community setting that supports normalcy in development. ISFC services will also be used to support children and youth stepping-down back into the community from STRTP placements.

DMH is required to execute new LE contracts and amend the existing contracts with contractors who have contracted with DCFS and Probation for FFA according to ISFC guidelines and to add funding for the provision of SMHS ISFC program services.

Approval of this request will allow DMH to execute new and amend existing contracts as well as remain in compliance with AB 403 to ensure continuity of care, and the expeditious expansion of FFA services throughout the County as DCFS and Probation have already awarded funding to contractors.

NOTIFICATION TIMELINE

Board Policy No. 5.120 requires departments to provide written notice to your Board, with a copy to the Chief Executive Officer, at least two weeks prior to the Board Meeting at which the request to exceed ten percent of the MCA will be presented. In compliance with this policy, DMH is notifying your Board of our intent to request DA for a percent increase of up to 25 percent of the total contract amount for FYs 2019-20 and 2020-21, through a Board letter to be presented on December 3, 2019.

If you have any questions or concerns, please contact me at (213) 738-4601, or your staff may contact Stella Krikorian, Division Manager, Contracts Development and Administration Division, at (213) 738-4023.

JES:ES:SK:kh

c: Executive Office, Board of Supervisors
 Chief Executive Office
 County Counsel
 Gregory Polk
 Edgar Soto
 Kimberly Nall
 Stella Krikorian